

**PRESIDENCY OF THE REPUBLIC**

**General Secretariat**

**Legal Affairs Subsection**

**LAW No. 11343, OF AUGUST 23, 2006,**

creates the National System of Public Policies on Drugs - Sisnad; provides measures for the prevention of misuse, and for care, and social reintegration of drug users and addicts; establishes norms for repression of unauthorized production and against illegal drug trafficking; defines crimes, and addresses other matters.

I, the **PRESIDENT OF THE REPUBLIC**, hereby make known that the National Congress decrees and I sanction the following Law:

**TITLE I**

**PRELIMINARY PROVISIONS**

Article 1. This Law creates the National System of Public Policies on Drugs - Sisnad; sets forth measures for the prevention of drug abuse, for the treatment and social reintegration of drug users and addicts; establishes norms to control unauthorized production and illegal trafficking of drugs and defines crimes.

Sole Paragraph. For the purposes of this Law, drugs are considered substances or products capable of causing dependence, as specified by law or included on lists periodically updated by the Executive Branch of the Federal Government.

Article 2. Drugs, as well as the planting, cultivation, harvesting and exploitation of plants and byproducts from which drugs may be extracted or produced, are prohibited throughout the national territory, with the exception of cases when legal or regulatory authorization is provided, as well as the provisions of the 1971 United Nations Vienna Convention on Psychotropic Substances, with respect to plants for strictly ritualistic-religious use.

Sole Paragraph. The Federal Government may authorize the planting, cultivation and harvesting of the plants mentioned in the head provision of this Article, solely for medicinal or scientific purposes, in a predetermined location and period, with supervision, respecting the aforementioned exceptions.

## **TITLE II**

### **THE NATIONAL SYSTEM OF PUBLIC POLICIES ON DRUGS**

Article 3. The purpose of the National System of Public Policies on Drugs (Sisnad) is to promote, integrate, organize and coordinate activities related to:

I - preventing drug abuse, and the treatment and social reintegration of drug users and addicts;

II - controlling unauthorized production and illegal trafficking of drugs.

Paragraph 1. The term Sisnad shall mean the ordered set of principles, rules, criteria, material and human resources that involve drug policies, plans, programs, actions, and projects, including, by adhesion, the Public Drug Policy Systems of the States, the Federal District, and the Municipalities. (Included by Law No. 13840, of 2019)

Paragraph 2. Sisnad shall act in articulation with the Unified Health System - SUS, and the Unified System of Social Assistance - SUAS. (Included by Law No. 13840, of 2019)

## **CHAPTER I**

### **PRINCIPLES AND OBJECTIVES OF THE NATIONAL SYSTEM OF PUBLIC POLICIES ON DRUGS**

Article 4. The principles of Sisnad are as follows:

I - respect for basic human rights, especially with respect to the independence and freedom thereof;

II - respect for diversity and specific qualities of the population;

III - promotion of ethical, cultural and citizenship values of the Brazilian people, recognizing them as factors for protection against drug abuse and other related behavior;

IV - promotion of national consensus, of full social participation, in order to establish the foundations and strategies of Sisnad;

V - promotion of shared responsibilities between the State and Society, recognizing the importance of social participation in Sisnad activities;

VI - recognition of intersectorality of the factors related to drug abuse, the unauthorized production and the illegal trafficking thereof;

VII - integration of the national and international strategies for the prevention of drug abuse, treatment and social reintegration of drug users and addicts and to control the unauthorized production and illegal trafficking thereof;

VIII - definition within the bodies of the Prosecution Service and the Legislative and Judiciary Branches aiming at mutual cooperation regarding Sisnad activities;

IX - adoption of a multidisciplinary approach that recognizes the interdependence and the supplemental nature of the activities related to drug abuse prevention, treatment and social reintegration of drug users and addicts, controlling the unauthorized production and the illegal trafficking of drugs;

X - observance of the balance between the activities related to drug abuse prevention, treatment and social reintegration of drug users and addicts and of controlling the unauthorized and illegal trafficking thereof, in order to guarantee stability and social well-being;

XI - observance of the guidelines and norms issued by the National Anti-Drug Council - "Conad".

Article 5. The objectives of Sisnad are as follows:

I - to contribute to the social integration of citizens in order to make them less vulnerable to behaviors that places them at risk of drug abuse, illegal drug trafficking and other related behaviors;

II - to promote the creation and socialization of drug awareness in the country;

III - to promote integration between the policies for drug abuse, treatment and social reintegration of drug users and addicts and controlling unauthorized production and illegal trafficking thereof and the sectoral public policies of the bodies of the Federal Executive Branch, the Federal District, the States and the Municipalities;

IV - to ensure conditions to coordinate, integrate and define the activities mentioned in Article 3 of this Law.

## **CHAPTER II**

(Wording by Law No. 13840, of 2019)

### **THE NATIONAL SYSTEM OF PUBLIC POLICIES ON DRUGS**

#### **Section I**

(Included by Law No. 13840, of 2019)

#### **Composition and Organization of the National System of Public Policies on Drugs**

Article 6. (VETOED)

Article 7. The organization of Sisnad ensures central guidelines and decentralization of the activities carried out within its scope, at the federal, district, state and city levels and is a matter defined in the regulations of this Law.

Article 7-A. (VETOED) (Included by Law No. 13840, of 2019)

Article 8. (VETOED)

#### **Section II**

(Included by Law No. 13840, of 2019)

#### **Responsibilities**

Article 8-A. It is the Federal Government's responsibility to: (Included by Law No. 13840 of 2019)

I - formulate and coordinate the execution of the National Drug Policy; (Included by Law No. 13840, of 2019).

II - elaborate the National Plan for Drug Policies, in partnership with the States, the Federal District, the Municipalities and society; (Included by Law No. 13840, of 2019).

III - coordinate Sisnad; (Included by Law No. 13840, of 2019).

IV - establish guidelines on the organization and operations of Sisnad and its reference standards; (Included by Law No. 13840, of 2019).

V - elaborate objectives, strategic actions, goals, priorities, indicators, and define forms of financing and managing drug policies; (Included by Law No. 13840, of 2019).

VI - (VETOED); (Included by Law No. 13840, of 2019).

VII – (VETOED); (Included by Law No. 13840, of 2019).

VIII - promote the integration of drug policies with the States, the Federal District, and the Municipalities; (Included by Law No. 13840, of 2019).

IX - finance, together with the States, the Federal District and the Municipalities, the execution of policies on drugs, observing the obligations of the members of Sisnad; (Included by Law No. 13840, of 2019).

X - establish forms of collaboration with the States, the Federal District and the Municipalities for the execution of policies on drugs; (Included by Law No. 13840, of 2019).

XI - ensure disclosure of data and information on transfers of resources to finance drug policies; (Included by Law No. 13840, of 2019).

XII - systematize and disseminate national statistical data on prevention, treatment, sheltering social and economic reintegration, and repression of illegal drug trafficking; (Included by Law No. 13840, of 2019).

XIII - adopt measures to combat trans-border crimes; and (Included by Law No. 13840, of 2019)

XIV – establish a national border control policy, aimed at curbing the entry of drugs into the country. (Included by Law No. 13840, of 2019).

Article 8 -B. (VETOED). (Included by Law No. 13840, of 2019).

Article 8-C. (VETOED). (Included by Law No. 13840, of 2019).

## **CHAPTER II-A**

(Included by Law No. 13840, of 2019)

### **DRUG POLICY MAKING**

#### **Section I**

(Included by Law No. 13840, of 2019)

#### **The National Drug Policy Plan**

Article 8-D. The objectives of the National Drug Policy Plan shall be, among others:

(Included by Law No. 13840, 2019)

I - to promote interdisciplinary and integrated programs, actions, activities, and projects from public and private entities in the areas of health, education, labor, social assistance, social security, housing, culture, sports, and leisure, aiming at the prevention of drug use, attention, and social reintegration of drug users or addicts; (Included by Law No. 13840, of 2019).

II - to enable a broad social participation in the formulation, implementation, and evaluation of the drug policies; (Included by Law No. 13840, of 2019).

III - to prioritize programs, actions, activities, and projects articulated with educational institutions, with society and families for the prevention of drug use; (Included by Law No. 13840, of 2019).

IV - to expand the alternatives of social and economic insertion of the drug user or addict, promoting programs that prioritize the improvement of their schooling and professional qualification; (Included by Law No. 13840, 2019).

V - to promote access of the drug user or addict to all public services; (Included by Law No. 13840, of 2019).

VI - to establish guidelines to ensure effectiveness of programs, actions, and projects of policies on drugs; (Included by Law No. 13840, of 2019).

VII - to foster the creation of a telephone answering service with guidance and information to support drug users or drug addicts; (Included by Law No. 13840, of 2019).

VIII - to articulate programs, actions, and projects to encourage employment, income, and job training, aiming at promoting the professional integration of the person who has complied with the individual care plan in the treatment or sheltering phases; (Included by Law No. 13840, 2019).

IX - to promote collective forms of organization for work, solidarity economy networks and cooperativism, as a way to promote autonomy to the drug user or addict who is leaving treatment or sheltering center, observing the regional specificities; (Included by Law No. 13840, 2019).

X - to propose the formulation of public policies that lead to the effectiveness of the guidelines and principles provided for in Article 2.2; (Included by Law No. 13840, of 2019).

XI - to articulate the entities of health, social assistance and justice in the confrontation of drug abuse; (Included by Law No. 13840, of 2019).

XII - to promote studies and evaluation of the results of drug policies. (Included by Law No. 13840, of 2019)

Paragraph 1. The plan referred to in the **head provision** of this Article shall last 5 (five) years as of its approval.

Paragraph 2. The government must give the broadest dissemination to the contents of the National Plan for Drug Policies.

## **Section II**

(Included by Law No. 13840, of 2019)

### **Drug Policy Councils**

Article 8-E. The drug policy councils, constituted by the States, the Federal District, and the Municipalities, shall have the following objectives: (Included by Law No. 13840, of 2019).

I - to assist with the development of drug policies; (Included by Law No. 13840, of 2019).

II - to collaborate with government agencies in the planning and execution of drug policies, aiming at the effectiveness of drug policies; (Included by Law No. 13840, of 2019).

III - to propose the signing of cooperation instruments, aiming at the development of programs, actions, activities and projects related to the prevention, treatment, shelter, social and economic reintegration, and repression of illegal drug trafficking; (Included by Law No. 13840, of 2019).

IV - to promote studies, with the objective of supporting the planning of drug policies; (Included by Law No. 13840, of 2019).

V - to propose public policies that allow the integration and participation of the drug user or addict in the social, economic, political and cultural process in the respective federated entity; and (Included by Law No. 13840, of 2019)

VI - to develop other activities related to drug policies in accordance with Sisnad and its respective plans. (Included by Law No. 13840, of 2019).

### **Section III**

(Included by Law No. 13840, of 2019)

#### **Members of the Drug Policy Councils**

Article 8-F. (VETOED). (Included by Law No. 13840, of 2019)

#### CHAPTER III

(VETOED)

Article 9. (VETOED)

Article 10. (VETOED)

Article 11. (VETOED)

Article 12. (VETOED)

Article 13. (VETOED)

Article 14. (VETOED)

## **CHAPTER IV**

(Wording by Law No. 13840, of 2019)

### **MONITORING AND EVALUATION OF DRUG POLICIES**

Article 15. (VETOED)

Article 16. The institutions operating in the area of healthcare and social services that help drug users and addicts must keep the competent body of the respective municipal healthcare system informed of the cases treated and deaths that have occurred, while protecting the identity of the people, according to guidelines issued by the Federal Government.

Article 17. National statistics on the control of illegal drug trafficking shall be included in the information system of the Executive Branch.

## **TITLE III**

### **ACTIVITIES RELATED TO DRUG ABUSE PREVENTION, AND TREATMENT AND SOCIAL REINTEGRATION OF DRUG USERS AND ADDICTS**

#### **CHAPTER I**

#### **PREVENTION**

##### **Section I**

(Included by Law No. 13840, of 2019)

##### **The Guidelines**

Article 18. For the purposes of this Law, activities to prevent drug abuse are those intended to reduce the factors of vulnerability and risk and to promote and strengthen the factors of protection.

Article 19. The activities to prevent drug abuse shall observe the following principles and guidelines:

I - recognition of drug abuse as a factor that interferes with the quality of life of the

individual and with their relationship with the community to which they belong;

II - adoption of objective concepts and scientifically based information as a form of directing the actions of the public community and private services and avoiding preconceptions and stigmatization of people and services that help them;

III - strengthening of independence and individual responsibility in relation to drug abuse;

IV - sharing of responsibilities and mutual cooperation with the institutions of the private sector and with the different social groups, including drug users and addicts and their respective family members, by establishing partnerships;

V - adoption of different preventive strategies and strategies adapted to the specific socio-cultural characteristics of the different populations, as well as of the different drugs used;

VI - recognition of the "non-use", "delayed use" and minimization of risks as desirable results of the preventive activities, when defining the goals to be achieved;

VII - special assistance to the most vulnerable groups of the population, considering their specific needs;

VIII - communication between the services and organizations that conduct prevention activities related to drug abuse and an assistance network for drug users and addicts and their respective family members;

XIX - investment in sporting, cultural, artistic, professional and other alternatives as a form of social inclusion and improvement of the quality of life;

X - establishment of policies on continuing education in the area of drug abuse prevention for education professionals at the 3 (three) educational levels;

XI - implementation of prevention educational projects related to drug abuse in the public and private teaching institutions, aligned with the National Curricular Standards and knowledge related to drugs;

XII - observance of the guidelines and norms issued by Conad;

XIII - alignment with the guidelines of the social regulatory bodies for specific sectoral policies.

Sole Paragraph. The drug abuse prevention activities for children and adolescents must be in compliance with the guidelines issued by the National Council for the Rights of Children and Adolescents - Conanda.

## **Section II**

(Included by Law No. 13840, of 2019)

### **The National Week for Drug Policy**

Article 19-A. The National Week for Drug Policy is hereby instituted, to be celebrated annually in the fourth week of June. (Included by Law No. 13840, of 2019)

Paragraph 1. In the period referred to in the head provision of this Article, the following actions shall be intensified: (Included by Law No. 13840, of 2019)

I - dissemination of information about the problems resulting from drug use; (Included by Law No. 13840, of 2019)

II - promotion of events for public debate on the drug policies; (Included by Law No. 13840, of 2019)

III - dissemination of good practices of prevention, treatment, sheltering and social and economic reintegration of drug users; (Included by Law No. 13840, of 2019)

IV - dissemination of initiatives, actions, and campaigns to prevent drug abuse; (Included by Law No. 13840, of 2019)

V - mobilization of the community to participate in actions to prevent and confront drugs; (Included by Law No. 13840, of 2019)

VI - mobilization of the educational systems provided for in Law No. 9394, of December 20, 1996 - Law of Directives and Bases of National Education, in the execution of drug use prevention activities. (Included by Law No. 13840, of 2019)

## **CHAPTER II**

(Wording by Law No. 13840, of 2019)

### **ACTIVITIES OF PREVENTION, TREATMENT, SHELTERING AND SOCIAL AND ECONOMIC REINTEGRATION OF DRUG USERS OR ADDICTS**

#### **Section I**

(Included by Law No. 13840, of 2019)

#### **General Provisions**

Article 20. For the purposes of this Law, activities to assist drug users and addicts and their respective family members are those that aim to improve quality of life and reduce the risks and damages associated with drug use.

Article 21. For the purposes of this Law, activities for the social reintegration of drug users and addicts and their respective family members are those oriented toward integration or reintegration thereof into social networks.

Article 22. Treatment activities and those of social reintegration of the drug users and addicts and their respective family members shall observe the following principles and guidelines:

I - respect for the drug user and addict irrespective of any conditions, respecting the basic human rights, the principles and guidelines of the National Health Care System and National Social Assistance Policy;

II - adoption of different strategies for treatment and social reintegration of the drug user and addict and their respective family members that consider their specific socio-cultural characteristics;

III - definition of an individualized treatment project dedicated to social inclusion and minimization of social and health-related risks and damages;

IV - multidisciplinary treatment for drug users and addicts and their respective family members by multi-professional teams, whenever possible;

V - observance of the guidelines and norms issued by Conad;

VI - alignment with the guidelines of the social regulatory bodies for specific sectoral policies.

VII - fostering of technical and professional training programs; (Included by Law No. 13840, of 2019)

VIII - effectiveness of social reintegration policies focused on continued education and work; (Included by Law No. 13840, of 2019)

IX - compliance with the individual service plan in the form of Article 23-B of this Law; (Included by Law No. 13840, of 2019)

X - adequate guidance to the drug user or addict regarding the harmful consequences of drug use, even if occasional. (Included by Law No. 13840, of 2019)

## **Section II**

(Included by Law No. 13840, of 2019)

### **Education for Social and Economic Reintegration**

Article 22-A. People assisted by Sisnad's member bodies shall be attended in professional and technological education, youth and adult education, and literacy programs. (Included by Law No. 13840, of 2019)

## **Section III**

(Included by Law No. 13840, of 2019)

### **Work in Social and Economic Reintegration**

Article 22-B. (VETOED)

## **Section IV**

(Included by Law No. 13840, of 2019)

### **Treatment of Drug Users or Addicts**

Article 23. The Federal Government, the State, the Federal District and the Municipal healthcare service networks shall develop programs to assist drug users and addicts, respecting the guidelines of the Ministry of Health and the principles set forth in Article 22 of this Law, with a

mandatory adequate budget estimate.

Article 23-A. The treatment of the drug user or addict must take place in a health care network, with priority for outpatient treatment modalities, exceptionally including forms of hospitalization in health care units and general hospitals under the terms of the norms set forth by the Federal Government and articulated with the social welfare services and in stages that allow for: (Included by Law No. 13840, of 2019)

I - articulating the attention with preventive actions that reach the entire population; (Included by Law No. 13840, of 2019)

II - being guided by predefined technical protocols, based on scientific evidence, offering individualized care to the drug user or addict with a preventive approach and, whenever indicated, as an outpatient; (Included by Law No. 13840, of 2019)

III - preparing for social and economic reintegration, respecting individual skills and projects through programs that articulate education, training for work, sports, culture and individualized monitoring; and (Included by Law No. 13840, of 2019)

IV - monitoring the results by SUS, Suas and Sisnad, in an articulated manner. (Included by Law No. 13840, of 2019)

Paragraph 1. It shall be the Federal Government's responsibility to provide for the technical treatment protocols, nationwide. (Included by Law No. 13840, of 2019)

Paragraph 2. The hospitalization of drug addicts shall only be carried out in health units or general hospitals equipped with multidisciplinary teams and must be mandatorily authorized by a physician duly registered in the Regional Council of Medicine - CRM of the state where the establishment in which the hospitalization shall take place is located. (Included by Law No. 13840, of 2019)

Paragraph 3. 2 (two) types of hospitalization are considered: (Included by Law No. 13840, of 2019)

I - voluntary hospitalization: that which takes place with the consent of the drug addict; (Included by Law No. 13840, of 2019)

II - involuntary hospitalization: that which takes place without the consent of the drug-dependent person, at the request of a family member or of the legal guardian or, in the absolute absence of the latter, of a public servant in the area of health, social assistance, or of the public bodies integrating Sisnad, with the exception of public security personnel, who/which verify the existence of reasons that justify the measure. (Included by Law No. 13840, of 2019).

Paragraph 4. Voluntary hospitalization: (Included by Law No. 13840, of 2019)

I - must be preceded by a written declaration by the person stating that they have opted for this regime of treatment; (Included by Law No. 13840, of 2019)

II - its termination shall take place by determination of the attending physician or by written request of the person that wishes to interrupt the treatment. (Included by Law No. 13840, of 2019)

Paragraph 5. Involuntary hospitalization: (Included by Law No. 13840, of 2019)

I - must be performed after a responsible physician formalizes the decision; (Included by Law No. 13840, of 2019)

II - shall be indicated after the evaluation on the type of drug used, the pattern of use and in the proven impossibility of using other therapeutic alternatives provided in the health care network; (Included by Law No. 13840, of 2019)

III - shall last only for the time required for detoxification, within a maximum period of 90 (ninety) days, having its end determined by the responsible physician; (Included by Law No. 13840, of 2019)

IV - the family or legal representative may, at any time, request the physician to interrupt treatment. (Included by Law No. 13840, of 2019)

Paragraph 6. The hospitalization, in any of its modalities, shall only be indicated when extra-hospital resources prove insufficient (Included by Law No. 13840, of 2019)

Paragraph 7. All hospitalizations and discharges referred to in this law must be reported within 72 (seventy-two) hours to the Prosecution Service, the Public Defender's Office, and other surveillance agencies, by means of a single computerized system, in accordance with the

regulation of this law. (Included by Law No. 13840, of 2019)

Paragraph 8. The confidentiality of the information available in the system referred to in Paragraph 7 is guaranteed, and access shall be allowed only to persons authorized to know it, subject to liability. (Included by Law No. 13840, of 2019)

Paragraph 9. It is forbidden to carry out any type of hospitalization in the Therapeutic Hosting Communities. (Included by Law No. 13840, of 2019)

Paragraph 10. The planning and execution of the individual therapeutic project must observe, as applicable, the provisions of Law No. 10216, of April 6, 2001, which provides for the protection and rights of people with mental disorders and redirects the mental health care model. (Included by Law No. 13840, of 2019)

## **Section V**

(Included by Law No. 13840, of 2019)

### **Individual Therapeutic Program**

Article 23-B. The care of the drug user or addict in the health care network shall depend on: (Included by Law No. 13840, of 2019)

I - previous evaluation by a multidisciplinary and multisectorial technical team; and (Included by Law No. 13840, of 2019)

II - preparation of an Individual Therapeutic Program - PIA. (Included by Law No. 13840, of 2019)

Paragraph 1. The previous evaluation by the technical team shall support the elaboration and execution of the individual therapeutic program to be adopted, considering at least: (Included by Law No. 13840, of 2019)

I - the type of drug and the pattern of its use; and (Included by Law No. 13840, of 2019)

II - the risk to the physical and mental health of the drug user or addict or the people with whom they live. (Included by Law No. 13840, of 2019)

Paragraph 2. (VETOED). (Included by Law No. 13840, of 2019)

Paragraph 3. The PIA must include the participation of family members or guardians, who have the duty to contribute to the process, and who, in the case of children and adolescents, are liable to civil, administrative and criminal liability, under Law No. 8069 of July 13, 1990 - Statute of the Child and Adolescent. (Included by Law No. 13840, of 2019)

Paragraph 4. The PIA shall initially be elaborated under the responsibility of the technical team of the first therapeutic program that assists the drug user or addict and shall be updated throughout the various phases of care. (Included by Law No. 13840, of 2019)

Paragraph 5. The individual program shall include, at least: (Included by Law No. 13840, of 2019)

I - the results of the multidisciplinary evaluation; (Included by Law No. 13840, of 2019)

II - the objectives declared by the person being attended; (Included by Law No. 13840, of 2019)

III - the planning of their social integration or professional training activities; (Included by Law No. 13840, of 2019)

IV - family integration and support activities; (Included by Law No. 13840, of 2019)

V - forms of family participation for effective compliance with the individual program; (Included by Law No. 13840, of 2019)

VI - designation of the most suitable therapeutic project for the fulfillment of the program; and (Included by Law No. 13840, of 2019)

VII – specific measures taken regarding the person’s health. (Included by Law No. 13840, of 2019)

Paragraph 6. The PIA shall be elaborated within 30 (thirty) days from the date of the beginning of attendance. (Included by Law No. 13840, of 2019)

Paragraph 7. The information produced in the evaluation and the information recorded in the individual therapeutic program is considered confidential. (Included by Law No. 13840, of

2019)

Article 24. The Federal Government, the States, the Federal District and the Municipalities must offer benefits to the private institutions that develop programs to place the drug users and addicts referred by an official body back into the job market.

Article 25. Civil nonprofit institutions working in healthcare and social assistance that help drug users and addicts may receive funds from Funad, according to its budget and financial availability.

Article 26. The drug user and addict who is in prison for a criminal violation or submitted to a security measure is guaranteed the healthcare services defined by the respective penitentiary system.

## **Section VI**

(Included by Law No. 13840, of 2019)

### **Admission to a Therapeutic Hosting Community**

Article 26-A. The admission of the drug user or addict into the Therapeutic Hosting Community is characterized by: (Included by Law No. 13840, of 2019)

I - offering therapeutic projects to the drug user or addict that aim at abstinence; (Included by Law No. 13840, of 2019)

II - obtaining voluntary adherence and permanence, formalized in writing, understood as a transitory stage for the social and economic reintegration of the drug user or addict; (Included by Law No. 13840, of 2019)

III - residential environment, conducive to the formation of bonds, with coexistence among peers, practical activities of educational value, and the promotion of personal development, aimed at welcoming drug users or addicts in social vulnerability; (Included by Law No. 13840, of 2019)

IV - previous medical evaluation; (Included by Law No. 13840, of 2019)

V - preparation of an individual therapeutic program in accordance with Article 23-B hereof; and (Included by Law No. 13840, of 2019)

VI - prohibition of physical isolation of the drug user or addict. (Included by Law No. 13840, of 2019)

Paragraph 1. People with severe biological and psychological impairments who deserve continuous medical or hospital care are not eligible for admission, in which case they shall be referred to the health network. (Included by Law No. 13840, of 2019).

Paragraph 2. (VETOED). (Included by Law No. 13840, of 2019).

Paragraph 3. (VETOED). (Included by Law No. 13840, of 2019).

Paragraph 4. (VETOED). (Included by Law No. 13840, of 2019).

Paragraph 5. (VETOED). (Included by Law No. 13840, of 2019).

### **CHAPTER III**

#### **CRIMES AND PENALTIES**

Article 27. The penalties set forth in this Chapter may be applied individually or cumulatively, as well as substituted at any time, after hearing the Prosecution Service and the defense attorney.

Article 28. The person who buys, holds, stores, transports or carries drugs for personal consumption, without authorization or in violation of laws or regulations shall be subject to the following penalties:

I - warning on the effects of drugs;

II - community service;

III - educational measure of participating in an educational program or course.

Paragraph 1. The person who plants, cultivates or harvests plants used to prepare a

small quantity of a substance or product capable of causing physical or chemical dependence, for personal consumption, is subject to the same measures.

Paragraph 2. In order to determine whether the drug is intended for personal use, the judge must consider the nature and quantity of the substance seized the location and conditions under which the action took place, the social and personal circumstances, as well as the conduct and criminal background of the offender.

Paragraph 3. The penalties set forth in subitems II and III of the head provision of this Article shall be applied for the maximum period of 5 (five) months.

Paragraph 4. For repeated offenses, the penalties set forth in subitems II and III of the head provision of this Article shall be applied for the maximum period of 10 (ten) months.

Paragraph 5. Community service shall be performed in community programs, entities that provide education or assistance, hospitals, similar public or private nonprofit establishments, preferably dedicated to preventing drug use or to the recovery of drug users and addicts.

Paragraph 6. To guarantee the fulfillment of the educational measures mentioned in the head provision of this Article, in subitems I, II and III, unjustifiably refused by the offender, the judge may subject the offender, successively, to:

I - verbal admonishment;

II – fine.

Paragraph 7. The judge may ask the Government to make a health care establishment available to the offender, free of charge, preferably outpatient, for specialized treatment.

Article 29. Upon ordering the educational measure mentioned in subitem II of Paragraph 6 of Article 28, the judge, considering the culpability of the conduct, shall determine the number of fine days, never less than 40 (forty) or higher than one 100 (hundred), attributing to each, according to the economic capacity of the offender, the value of one-thirtieth to (3) three times the value of the highest minimum wage.

Sole Paragraph. The funds resulting from the imposition of the fine set forth in

Paragraph 6 of Article 28 shall be credited to the National Anti-Drug Fund.

Article 30. The statute of limitations for imposition and execution of the penalties is 2 (two) years, pursuant to, with respect to interruption of the period, Articles 107 *et seq.* of the Criminal Code.

#### **TITLE IV**

### **CONTROL OF THE UNAUTHORIZED PRODUCTION AND ILLEGAL TRAFFICKING OF DRUGS**

#### **CHAPTER I**

#### **GENERAL PROVISIONS**

Article 31. Prior issuance of a license, by the competent health authority, is essential to produce, extract, manufacture, transform, prepare, possess, store, import, export, re-export, ship, transport, exhibit, offer, sell, purchase, trade, assign or buy, for any purpose, drugs or raw material earmarked for preparation thereof, with observance of the other legal requirements.

Article 32. Illegal cropping shall be immediately destroyed by law enforcement authorities under the terms of Article 50-A, who shall collect a sufficient quantity for expert examination, all of which shall be recorded in a report which comprises the conditions in which it has been found, and delimitation of the location shall be done, ensuring the necessary measures for preserving evidence. (Wording by Law No. 12961, of 2014)

Paragraph 1. (Revoked). (Wording by Law No. 12961, of 2014)

Paragraph 2. (Revoked). (Wording by Law No. 12961, of 2014)

Paragraph 3. If a crop is to be burned, there must be observance of, in addition to the precautions necessary to protect the environment, Decree No. 2661, of July 8, 1998, to the extent applicable, without the need for prior authorization from the National Environmental System - Sisnama.

Paragraph 4. The land on which the crops are cultivated shall be expropriated, pursuant to Article 243 of the Federal Constitution, in accordance with the legislation in force.

## CHAPTER II

### CRIMES

Article 33. To Import, export, ship, prepare, produce, manufacture, purchase, sell, display for sale, offer, store, transport, carry, keep, prescribe, administer, distribute for consumption or supply drugs, even free of charge, without authorization or in violation of laws or regulations:

Penalty - imprisonment from 5 (five) to 15 (fifteen) years and payment of 500 (five hundred) to 1,500 (one thousand, five hundred) fine days.

Paragraph 1. The same penalties shall apply to anyone who:

I - imports, exports, ships, produces, manufactures, buys, sells, displays for sale, offers, supplies, keeps, transports, carries or holds, even free of charge, without authorization or in violation of laws or regulations, raw material, input or a chemical product intended for the preparation of drugs;

II - plants, cultivates or harvests, without authorization or in violation of laws or regulations, plants that constitute raw material for the preparation of drugs;

III - uses a location or asset of any nature, of which they have ownership, possession, which they manage, protect or monitor, or give consent for another person to use, even free of charge, without authorization or in violation of laws or regulations, for illegal drug trafficking.

IV - sells or delivers drugs or raw material, input or chemical product intended for drug preparation, without authorization or in violation with the legal or regulatory determination, to an undercover police officer, when reasonable evidentiary elements of preexisting criminal conducts are present. (Included by Law No. 13964, 2019)

Paragraph 2. To induce, instigate or help someone abuse drugs:

Penalty - detention, from 1 (one) to 3 (three) years, and a fine of 100 (one hundred) to

300 (three hundred) fine days.

Paragraph 3. To Offer drugs, casually and without the purpose of making a profit, to a person with whom they have a relationship, for common use:

Penalty - detention, from 6 (six) months to 1 (one) year, and payment of 700 (seven hundred) to 1,500 (one thousand, five hundred) fine days, without prejudice to the penalties set forth in Article 28.

Paragraph 4. For the offenses defined in the head provision and in Paragraph 1 of this Article, the penalties may be reduced from one-sixth to two-thirds, as long as the person is a first-time offender, has a good criminal background, is not involved in criminal activities and is not part of a criminal organization.

Article 34. To Manufacture, purchase, use, transport, offer, sell, distribute, deliver for any reason, possess, hold or supply, even free of charge, a machine, device, instrument or other object intended for the manufacture, preparation, production or transformation of drugs, without authorization or in violation of laws or regulations:

Penalty - imprisonment, from 3 (three) to 10 (ten) years, and payment of 1,200 (one thousand, two hundred) to 2,000 (two thousand) fine days.

Article 35. Two or more people coming together for the purpose of committing, repeatedly or not, any of the crimes set forth in Articles 33, head provision and Paragraph 1, and 34 of this Law:

Penalty - imprisonment, from 3 (three) to 10 (ten) years, and payment of 700 (seven hundred) to 1,200 (one thousand, two hundred) fine days.

Sole Paragraph. The same penalties of the head provision of this Article shall apply to the person who associates with others to repeatedly commit the crime defined in Article 36 of this Law.

Article 36. To finance or sponsor any of the crimes set forth in Articles 33, head provision and Paragraph 1, and 34 of this Law:

Penalty - imprisonment, from 8 (eight) to 20 (twenty) years, and payment of 1,500 (one

thousand, five hundred) to 4,000 (four thousand) fine days.

Article 37. Cooperation, as an informant, with a group, organization or association committed to committing any of the crimes set forth in Articles 33, head provision and Paragraph 1, and 34 of this Law:

Penalty - imprisonment, from 2 (two) to 6 (six) years, and payment of 300 (three hundred) to 700 (seven hundred) fine days.

Article 38. Intentional prescription or administration of unnecessary drugs to a patient, or doing so in excessive doses or in violation of laws or regulations:

Penalty - detention, from 6 (six) months to 2 (two) years, and payment of 50 (fifty) to 200 (two hundred) fine days.

Sole Paragraph. The judge shall communicate the sentence to the Federal Council of the professional class to which the offender belongs.

Article 39. To pilot a vessel or aircraft after using drugs, putting the safety of others at risk:

Penalty - detention, from 6 (six) months to 3 (three) years, in addition to seizure of the vehicle, revocation of the respective license or prohibition from obtaining the same, for the same period that the imprisonment penalty is applied, and payment of 200 (two hundred) to 400 (four hundred) fine days.

Sole Paragraph. The penalties of imprisonment and fine, applied cumulatively with the others, shall be from 4 (four) to 6 (six) years and of 400 (four hundred) to 600 (six hundred) fine days, if the vehicle mentioned in the head provision of this Article is for collective passenger transport.

Article 40. The penalties set forth in Articles 33 to 37 of this Law shall be increased from one-sixth to two-thirds, if:

I - the nature, origin of the substance or of the product and the circumstances of the event prove the transnationality of the offense;

II - the offender commits the crime taking advantage of a public position or during an

educational mission, family power, custody or surveillance;

III - the crime was committed inside or in the immediate vicinity of prisons, teaching establishments or hospitals, headquarters of student, social, cultural, recreational, sport or assistance entities, of collective work locations, places where concerts or entertainment of any nature take place, where services for treatment of drug addicts or of social integration are offered, military or police units or in places of public transport;

IV - the crime was committed with violence, grave threat, use of a firearm, or any other process of individual or collective intimidation;

V - trafficking between the States of the Federation or between them and the Federal District is characterized;

VI - the crime committed involves or is intended to affect a child or adolescent or a person with, for any reason, a diminished or impaired capacity for understanding and decision-making;

VII - the offender finances or sponsors the crime.

Article 41. The defendant who cooperates with the police investigation and criminal action in the identification of the other co-offenders or participants of the crime and in the total or partial recovery of the product of the crime, in the event of a conviction, shall have their penalty reduced from one-third to two-thirds.

Article 42. When defining the penalties, the judge, based on Article 59 of the Criminal Code, shall consider the nature and quantity of the substance or product, the personality and the social conduct of the offender.

Article 43. When defining the fine set forth in Articles 33 to 39 of this Law, the judge, pursuant to Article 42 of this Law, shall determine the number of fine days, fixing it, according to the financial condition of the defendant, to a value no lower than one-thirtieth and no higher than 5 (five) times the highest minimum wage.

Sole Paragraph. The fines, which in case of an accumulation of offenses shall always be imposed cumulatively, may be increased up to tenfold if, by virtue of the financial situation of the defendant, the judge considers them ineffective, even if applied to the maximum.

Article 44. The crimes set forth in Articles 33, head provision and Paragraph 1, and 34

to 37 of this Law are non-bailable and are not eligible for probation, pardon, exemption, amnesty, or conversion of their penalties into restricted rights is prohibited.

Sole Paragraph. The crimes set forth in the head provision of this Article are eligible for parole after two-thirds of the penalty are served, which cannot be granted to a repeat offender.

Article 45. The offender who, because of addiction to or under the influence of drugs, because of an act of God or force majeure, was, at the time of the action or nonfeasance, whatever the criminal violation, fully incapable of understanding the illegal nature or making a decision based on said understanding, shall not be penalized.

Sole Paragraph. Upon acquitting the offender, recognizing, by force of an expert report, that they presented, at the time of the fact set forth in this Article, the conditions referenced in the head provision of this Article, the judge may order, in the sentence, that the person receive the appropriate medical treatment.

Article 46. The penalties may be reduced from one-third to two-thirds if, under the circumstances provided in Article 45 of this Law, the offender did not have, at the time of the action or nonfeasance, the full capacity to understand the illegal nature of the fact or to make a decision based on said understanding.

Article 47. Upon sentencing, the judge, based on an evaluation attesting to the need to send the offender for treatment, conducted by a healthcare professional with specific jurisdiction as set forth by law, shall order that said treatment to occur, pursuant to Article 2.6 of this Law.

### **CHAPTER III**

#### **CRIMINAL PROCEDURES**

Article 48. The procedure related to proceedings for crimes defined in this Title is regulated by this Chapter, and secondarily by the Code of Criminal Procedure and the Sentence Execution Act.

Paragraph 1. The person who commits any of the acts set forth in Article 28 of this Law, unless there is an accumulation of the offenses set forth in Articles 33 to 37 of this Law, shall

be processed and tried as provided for in Articles 60 *et seq.* of Law No. 9099, September 26, 1995, which regulates the Special Criminal Courts.

Paragraph 2. With respect to the conducts set forth in Article 28 of this Law, arrest in *flagrante delicto* shall be ordered, and thus, the perpetrator must immediately appear in court or otherwise assume the commitment to do so, and a detailed document shall be prepared and the requests for the necessary exams and expert reports be made.

Paragraph 3. In the absence of a judicial authority, the measures set forth in Paragraph 2 of this Article shall be taken immediately by the law enforcement authority, wherever the offender is found, and detention of the offender is prohibited.

Paragraph 4. After the procedures mentioned in Paragraph 2 of this Article have been carried out, the offender shall be submitted to examination of *corpus delicti*, if they so request or if the law enforcement authority deems appropriate, and then released.

Paragraph 5. For the purpose of Article 76 of Law No. 9099, of 1995, which regulates the Special Criminal Courts, the Prosecution Service may file a motion for the immediate application of a penalty set forth in Article 28 of this Law, to be specified in the motion.

Article 49. With respect to the conduct listed in Articles 33, head provision and Paragraph 1, and 34 to 37 of this Law, the judge, when the circumstances so require, shall use instruments to protect those who cooperate and the witnesses set forth in Law No. 9807, of July 13, 1999.

## **Section I**

### **Investigation**

Article 50. In the event of an arrest in *flagrante delicto*, the law enforcement authority shall immediately notify the competent judge, sending him a copy of the report, which shall be seen by the Prosecution Service within 24 (twenty-four) hours.

Paragraph 1. For the purposes of preparing the report on the arrest in *flagrante delicto* and establishing the probable cause of the crime, a report on the nature and quantity of the drug, signed by an official expert, or in the absence thereof, a reliable person, is sufficient.

Paragraph 2. The investigator who signs the report mentioned in Paragraph 1 of this Article shall not be prevented from participating in the preparation of the final report.

Paragraph 3. Once a copy of the act of arrest in *flagrante delicto* has been received, the judge shall certify, within 10 (ten) days, the formal regularity of the report and shall order the destruction of the drugs seized, keeping the necessary sample for the final report. (Wording by Law No. 12961, of 2014)

Paragraph 4. Drugs shall be destroyed by the competent chief of police, within 15 (fifteen) days, in the presence of the Prosecution Service and the health authority. (Wording by Law No. 12961, of 2014)

Paragraph 5. The location shall be inspected before and after the destruction of the drugs referred to in Paragraph 3, and the chief of police shall prepare a detailed report, certifying their total destruction. (Wording by Law No. 12961, of 2014)

Article 50-A. The destruction of the seized drugs without an arrest in *flagrante delicto* shall be done through incineration, within a maximum period of 30 (thirty) days from the date of the seizure, keeping a sample necessary for the elaboration of the final report. (Wording by Law No. 13840, of 2019)

Article 51. The police investigation shall be concluded within a period of 30 (thirty) days if the defendant is in prison and 90 (ninety) days if the defendant is free.

Sole Paragraph. The periods set forth in this Article may be doubled by the judge after hearing the Prosecution Service, by means of a justified petition by the law enforcement authority.

Article 52. After the periods mentioned in Article 51 of this Law, the law enforcement authority, when sending the records of the investigation to the judge:

I - shall briefly explain the circumstances of the crime, justifying the reasons that caused them to classify the offense, indicating the quantity and nature of the substance or the product seized, the location and the conditions under which the criminal action took place, the circumstances of the arrest, the conduct, competence and criminal background of the offender; or

II - shall request that the same be returned in order for the necessary actions to be taken.

Sole Paragraph. The records shall be sent without prejudice to additional investigations:

I – those necessary or useful to fully explain the crime, the result of which must be sent to the competent judge no more than 3 (three) days before the trial;

II – those necessary and useful to specify the assets, rights and valuables belonging to the offender, or registered in the name of the same, the result of which must be sent to the competent judge no more than 3 (three) days before the trial.

Article 53. In any phase of the criminal prosecution related to the crimes set forth in Law, by means of judicial authorization and after having heard the Prosecution Service, in addition to the investigation procedures set forth by law, the following procedures are also permitted:

I - infiltration by police agents, into investigative duties, created by relevant specialized bodies;

II - nonpolice action taken against people in the Brazilian territory holding drugs, their chemical precursors or other products used to produce them, in order to identify and charge more members of trafficking and distribution operations, without prejudice to the applicable penal action.

Sole Paragraph. In the case of subitem II of this Article, the authorization shall be granted as long as the likely itinerary and identification of the authors of the crime or of participants are known.

## **Section II**

### **Production of Evidence**

Article 54. After the court receives either the records of the police report from the Parliamentary Investigation Committee or pieces of information, those shall be shown to the Prosecution Service for the body to, within a period of ten (10) days, take one of the following measures:

I - request a dismissal;

II- request the necessary actions;

III - outline the charges, list up to five (5) witnesses and request other applicable evidence.

Article 55. After the complaint is filed, the judge shall order service on the defendant to offer a prior written defense within a period of ten (10) days.

Paragraph 1. In the response, containing the defense and exceptions, the defendant may make preliminary arguments and present arguments for their defense, offer documents and justifications, specify the evidence they intend to produce and list up to five (5) witnesses.

Paragraph 2. Exceptions shall be processed separately, pursuant to Articles 95 to 113 of Executive Decree No. 3689, of October 3, 1941 - Code of Criminal Procedure.

Paragraph 3. If the response is not provided in time, the judge shall appoint a defense attorney to offer it within ten (10) days, showing them the records upon appointment.

Paragraph 4. After the defense is presented, the judge shall make a decision within five (5) days.

Paragraph 5. If deemed necessary, the judge shall, within a maximum period of ten (10) days, order the prisoner to appear before the court, conduct investigations, evaluations and expert examinations.

Article 56. After accepting the information, the judge shall set the day and time of the hearing, order service of summons on the defendant, notification of the Prosecution Service, the assistant, depending on the case, as well as request expert reports.

Paragraph 1. With respect to the conducts listed as a violation in Articles 33, the head provision and Paragraph 1, and 34 to 37 of this Law, the judge, upon accepting the information, may order preventive removal of the defendant from their activities, if they are public servants, notifying the respective body.

Paragraph 2. The hearing referred to in the head provision of this Article shall take place within the 30 (thirty) days following the acceptance of the information, unless an evaluation for drug addiction is ordered, then it shall take place in 90 (ninety) days.

Article 57. In the hearing, after the defendant and witnesses are examined, the representative of the Prosecution Service and the defense attorney, successively, shall be allowed to make their closing arguments for twenty (20) minutes each, which may be extended for an additional 10 (ten), at the discretion of the judge.

Sole Paragraph. After the examination, the judge shall ask the parties if any fact remains to be clarified, asking the corresponding questions if deemed pertinent and relevant.

Article 58. After the arguments, the judge shall render the decision immediately or in ten (10) days, taking the case under advisement.

Paragraph 1. (Revoked by Law No. 12961, 2014)

Paragraph 2. (Revoked by Law No. 12961, 2014)

Article 59. In the crimes set forth in Articles 33, its head provision and Paragraph 1, and 34 to 37 of this Law, the defendant may not appeal without surrendering themselves to prison, unless the defendant is a first-time offender with a good criminal background, so recognized in the sentence.

## **CHAPTER IV**

### **SEIZURE, COLLECTION AND DESTINATION OF THE DEFENDANT'S ASSETS**

Article 60. The judge, during the investigation or criminal action, at the request of the Prosecution Service or the assistant prosecutor, or through the judicial police authority's complaint, may order the seizure and other precautionary measures in cases where there is suspicion that the assets, rights or valuables are the product of crime or constitute proceeds of the crimes provided for in this Law, proceeding in accordance with Articles 125 and following of Decree-Law No. 3689 of October 3, 1941 - Code of Criminal Procedure. (Wording by Law No. 13840, of 2019)

Paragraph 1. (Revoked) (Wording by Law No. 13840, of 2019)

Paragraph 2. (Revoked) (Wording by Law No. 13840, of 2019)

Paragraph 3. In the case of Article 366 of Decree-Law No. 3689, of October 3rd 1941 - Code of Criminal Procedure, the judge may determine acts necessary to preserve the goods, rights or

values. (Wording by Law No. 13840, of 2019)

Paragraph 4. The order for seizure or sequestration of assets, rights or values may be suspended by the judge, after hearing the Prosecution Service, when its immediate execution might jeopardize the investigations. (Wording by Law No. 13840, of 2019)

Article 60-A. If the precautionary measures referred to in Article 60 herein involve foreign currency, titles, securities, or checks issued as payment orders, their conversion into Brazilian currency shall be immediately determined. (Included by Law No. 13886, of 2019)

Paragraph 1. The foreign currency seized in cash must be sent to a financial institution, or a similar one, for disposition in the manner established by the National Monetary Council. (Included by Law No. 13886, of 2019)

Paragraph 2. Should the disposition referred to in Paragraph 1 of this Article not be possible, the foreign currency shall be held by the financial institution until a decision is made on its destination. (Included by Law No. 13886, of 2019)

Paragraph 3. After the decision on the destination of the foreign currency referred to in Paragraph 2 of this Article, if it is verified that it has no market value, its specimens may be destroyed or donated to the diplomatic representation of the country of origin. (Included by Law No. 13886, of 2019)

Paragraph 4. The amounts related to seizures made before the date of Provisional Measure No. 885, of June 17, 2019, went into effect, and which are held at the premises of the Central Bank of Brazil, must be transferred to the Caixa Econômica Federal, within 360 (three hundred and sixty) days, so that they can be sold or held, in accordance with the provisions of this Law. (Included by Law No. 13886, of 2019)

Article 61. The seizure of vehicles, vessels, aircraft and any other means of transportation and the machinery, utensils, instruments and objects of any nature used for committing the crimes defined in this Law shall be immediately communicated by the judicial police authority responsible for the investigation to the court of competent jurisdiction. (Wording by Law No. 13840, of 2019)

Paragraph 1. The judge, within 30 (thirty) days from the communication referred to in the head provision of this Article, shall order the disposition of the seized assets, with the exception of weapons, which shall be collected in the manner provided by specific legislation. (Included by Law No. 13840, of 2019)

Paragraph 2. The disposition shall be carried out in separate records, which shall contain a brief description of the link between the offense and the seized goods, description and specification of the objects, information about custodian and the place where they are located. (Included by Law No. 13840, of 2019)

Paragraph 3. The judge shall order the appraisal of the seized goods, which shall be carried out by a court official, within 5 (five) days from the notice, or, if specialized knowledge is required, by an appraiser appointed by the judge, within a period not longer than 10 (ten) days. (Included by Law No. 13840, of 2019)

Paragraph 4. Once the appraisal is done, the judge shall summon the Funad's managing body, the Prosecution Service, and the interested party to make a statement within 5 (five) days and, after resolving any divergences, shall ratify the value assessed. (Included by Law No. 13840, of 2019)

Paragraph 5. (VETOED). (Included by Law No. 13840, of 2019)

Paragraph 6. (Revoked). (Included by Law No. 13886, of 2019)

Paragraph 7. (Revoked). (Included by Law No. 13886, of 2019)

Paragraph 8. (Revoked). (Included by Law No. 13886, of 2019)

Paragraph 9. The Prosecution Service shall supervise compliance with the rule established in Paragraph 1 of this Article. (Included by Law No. 13886, of 2019)

Paragraph 10. The rule established in Paragraph 1 of this Article applies to all types of confiscated goods. (Included by Law No. 13886, of 2019)

Paragraph 11. Goods and real estate must be sold by public auction, preferably by electronic means, with the sale assured by the highest bidder, for a price not less than 50% (fifty

percent) of the judicial appraisal value. (Included by Law No. 13886, of 2019)

Paragraph 12. The judge shall order the treasury departments and the registration and control bodies to make the necessary annotations, as soon as they are aware of the seizure. (Included by Law No. 13886, of 2019)

Paragraph 13. When there is disposition of vehicles, ships, or aircraft, the transit authority or similar competent body for registration, as well as the treasury departments, must proceed with the regularization of the assets within 30 (thirty) days, the winning bidder being exempt from the payment of fines, charges, and previous taxes, without prejudice to the tax execution against the former owner. (Included by Law No. 13886, of 2019)

Paragraph 14. Any fines, charges or taxes pending payment cannot be collected from the bidder or from the selling public agency as a condition for regularizing the assets. (Included by Law No. 13886, of 2019)

Paragraph 15. In the case referred to in Paragraph 13 of this Article, the transit authority or the competent or similar body for registration may issue new identifiers for the goods. (Included by Law No. 13886, of 2019)

Article 62. Once the public interest in the use of any of the goods referred to in Article 61 has been proven, the Judicial, Military and Federal Highway Police agencies can use them, under their own responsibility and with the objective of their conservation, through judicial authorization, after hearing the Prosecution Service and guaranteeing a prior appraisal of the respective goods. (Wording by Law No. 13840, of 2019)

Paragraph 1. (Revoked). (Wording by Law No. 13886, of 2019)

Paragraph 1-A. The court must notify the Funad's management body so that, within 10 (ten) days, it can evaluate the existence of the public interest mentioned in the head provision of this Article and indicate the body that must receive the asset. (Wording by Law No. 13886, of 2019)

Paragraph 1-B. For the purpose of Paragraph 1-A of this Article, priority is given to

public security bodies that participated in the investigation or prosecution of the crime that gave rise to the measure. (Wording by Law No. 13886, of 2019)

Paragraph 2. The judicial authorization for the use of goods must contain the description of the property and the respective assessment and indicate the body responsible for its use. (Wording by Law No. 13840, of 2019)

Paragraph 3. The body responsible for the use of the property must send the judge periodically, or at any time when requested by the judge, information about its state of conservation. (Wording by Law No. 13840, of 2019)

Paragraph 4. When the judicial authorization relates to vehicles, vessels or aircraft, the judge shall order the authority or registration and control body to issue a provisional certificate of registration and licensing in favor of the body to which the use or custody was granted, the latter being free from payment of fines, charges and taxes prior to the decision to use the asset until the final and unappealable decision that decrees its forfeiture in favor of the Federal Government. (Wording by Law No. 13840, of 2019)

Paragraph 5. In the case of an assessment, the interested party may request a new judicial assessment, if there is any indication that the assets used in the manner described in this Article have suffered depreciation greater than that expected due to the passage of time and use. (Wording by Law No. 13840, of 2019)

Paragraph 6. Once the depreciation referred to in Paragraph 5 is verified, the federal body or the entity that used the goods shall indemnify the holder or owner of the goods. (Wording by Law No. 13840, of 2019)

Paragraph 7. (Revoked). (Wording by Law No. 13840, of 2019)

Paragraph 8. (Revoked). (Wording by Law No. 13840, of 2019)

Paragraph 9. (Revoked). (Wording by Law No. 13840, of 2019)

Paragraph 10. (Revoked). (Wording by Law No. 13840, of 2019)

Paragraph 11. (Revoked). (Wording by Law No. 13840, of 2019)

Article 62-A. The deposit, in cash, of amounts referring to the proceeds of the disposition or to the cash seized or that has been converted must be made at the Caixa Econômica Federal, by means of a collection document intended for this purpose. (Included by Law No. 13886, of 2019)

Paragraph 1. The deposits referred to in the **head provision** of this Article must be transferred, by Caixa Econômica Federal, to the single account of the National Treasury, regardless of any formality, within 24 (twenty-four) hours, from the moment the deposit is made, where they shall be available to Funad. (Included by Law No. 13886, of 2019)

Paragraph 2. In the event of acquittal of the defendant in a court decision, the amount of the deposit shall be returned to them by Caixa Econômica Federal within 3 (three) working days, plus interest, as established by Paragraph 4 of Article 39 of Law No. 9250, of December 26, 1995. (Included by Law No. 13886, of 2019)

Paragraph 3. In the case of a forfeiture order in favor of the Federal Government, the value of the deposit shall be altered to final payment, respecting the rights of eventual injured parties and third parties in good faith. (Included by Law No. 13886, of 2019)

Paragraph 4. The amounts returned by Caixa Econômica Federal, by judicial decision, must be made as a cancellation of Funad's revenue in the fiscal year in which the return occurs. (Included by Law No. 13886, of 2019)

Paragraph 5. The Caixa Econômica Federal must keep track of the amounts deposited or returned. (Included by Law No. 13886, of 2019)

Article 63. When rendering the sentence, the judge shall decide on: (Wording by Law No. 13840, of 2019)

I - forfeiture of the product, good, right or valuables seized or object of precautionary measures; and (Included by Law No. 13840, of 2019)

II - the withdrawal of the amounts deposited in an interest-bearing account and the release of the assets used pursuant to Article 62. (Included by Law No. 13840, of 2019)

Paragraph 1. The goods, rights, or amounts confiscated because of the crimes defined in this Law, or which are the object of precautionary measures, after their forfeiture in favor of the

Federal Government, shall be reverted directly to Funad. (Wording by Law No. 13840, of 2019)

Paragraph 2. The judge shall send the Funad's management body a list of the goods, rights, and valuables declared as lost, indicating their location and the entity or body in possession thereof, for the purpose of their destination under the terms of the legislation in force. (Wording by Law No. 13840, of 2019)

Paragraph 3. (Revoked). (Wording by Law No. 13886, of 2019)

Paragraph 4. After the final sentence, the judge of the case, *sua sponte*, or at the request of the Prosecution Service, shall send Senat a list of the assets, rights and valuables declared lost to the Federal Government, indicating where the assets are located and the entity or body in possession thereof, for the purpose of their destination under the terms of the legislation in force.

Paragraph 4-A. Before forwarding the assets to Funad's managing body, the judge shall: (Wording by Law No. 13886, of 2019)

I - order the treasury secretariats, and the registration and control agencies to make the necessary endorsements, in case they were not made at the time of seizure; and (Included by Law No. 13886, of 2019)

II - determine, in the case of real estate, the registration of ownership in favor of the Federal Government at the competent real estate registry office, pursuant to the head provision and sole Paragraph of Article 243 of the Federal Constitution, ruling out third-party liability as provided for in item VI of the head provision of Article 134 of Law No. 5172, of October 25, 1966 (National Tax Code), as well as to determine the Office of Coordination and Governance of the Federal Estate to incorporate and deliver the property, making it free and clear of any encumbrances for its destination. (Included by Law No. 13886, of 2019)

Paragraph 5. (VETOED). (Included by Law No. 13840, of 2019)

Paragraph 6. In the case of item II of the head provision of this Article, after 360 (three hundred and sixty) days since the sentence has become final and unappealable and the interested party is aware of the sentence, the seized assets, those that have been the object of safekeeping measures, or the deposited amounts that have not been claimed, shall revert to Funad. (Included by

Law No. 13840, of 2019)

Article 63-A. No recovery claim shall be heard without the personal appearance of the defendant, and the judge may order acts necessary to preserve the goods, rights or valuables. (Included by Law No. 13840, of 2019)

Article 63-B. The judge shall determine the total or partial release of the assets, rights, and object of the precautionary measures when the lawfulness of their origin is proven, maintaining the seizure of the assets, rights, and valuables necessary and sufficient to repair the damage and pay the pecuniary installments, fines, and costs resulting from the criminal offense. (Included by Law No. 13840, of 2019)

Article 63-C. The Senat, of the Ministry of Justice and Public Safety, shall be responsible for the destination of the goods seized and not auctioned as a precautionary measure, whose forfeiture is ordered in favor of the Federal Government, through the following processes: (Included by Law No. 13886, of 2019)

I - alienation, by means of: (Included by Law No. 13886, of 2019)

a) bidding procedure; (Included by Law No. 13886, of 2019)

b) donation with charge to public entities or bodies, as well as to therapeutic hosting communities that contribute to the achievement of Funad's purpose; or (Included by Law No. 13886, of 2019)

c) direct sale, observing the provision in item II of the head provision of Article 24 of Law No. 8666, of June 21, 1993; (Included by Law No. 13886, of 2019)

II - incorporation to the assets of a public administration body, observing Funad's purpose; (Included by Law No. 13886, of 2019)

III - destruction; or (Included by Law No. 13886, of 2019)

IV - non-utilization. (Included by Law No. 13886, of 2019)

Paragraph 1. The alienation by means of a bidding procedure must be carried out in the auction modality, for both movable and immovable assets, regardless of the appraised value, separately or in total, of the asset or lots, the sale being assured to the highest bidder, for a price not less than 50% (fifty percent) of the appraised value. (Included by Law No. 13886, of 2019)

Paragraph 2. The public notice of the auction referred to in Paragraph 1 of this Article shall be widely publicized in newspapers of wide circulation and on official websites, mainly in the Municipality where it shall be held, publication in the official gazette being shall be dispensed. (Included by Law No. 13886, of 2019)

Paragraph 3. In alienation made through the public administration's electronic system, the publicity given by the system shall replace publication in the official gazette and in widely circulated newspapers. (Included by Law No. 13886, of 2019)

Paragraph 4. In the disposition of real estate, the buyer is free from the payment of previous charges and taxes, without prejudice of tax enforcement against the former owner. (Included by Law No. 13886, of 2019)

Paragraph 5. The provisions of Paragraphs 13 and 15 of Article 61 of this Law must be observed in the disposition of vehicles, vessels or aircraft. (Included by Law No. 13886, of 2019)

Paragraph 6. The prohibition related to the collection of fines, charges or taxes provided for in Paragraph 14, Article 61, herein applies to the dispositions dealt with in this Article. (Included by Law No. 13886, of 2019)

Paragraph 7. The Senad, of the Ministry of Justice and Public Safety, may enter into agreements or similar instruments with agencies and entities of the Federal Government, the States, the Federal District, or the Municipalities, as well as with therapeutic hosting communities, in order to immediately comply with the provisions of this Article. (Included by Law No. 13886, of 2019)

Paragraph 8. Subject to the bidding procedures provided for by law, the hiring of private companies to carry out the appraisal, administration, and disposition of the assets referred to in this Law is authorized. (Included by Law No. 13886, of 2019)

Article 63-D. The Ministry of Justice and Public Security is responsible for regulating the procedures relating to the administration, conservation, and destination of resources originating from crimes and illegal acts, and for establishing the valuables below which they must be destroyed or rendered useless. (Included by Law No. 13886, of 2019)

Article 63-E. The revenue from the sale of the seized or confiscated goods shall be

reverted in full to the Funad, under the terms of the sole Paragraph of Article 243 of the Federal Constitution, with no subrogation over the value of the auction to settle any fines, charges or taxes pending payment. (Included by Law No. 13886, of 2019)

Sole Paragraph. The provisions in the head provision of this Article do not affect the filing of a tax enforcement action against the former debtors. (Included by Law No. 13886, of 2019)

Article 63-F. In the event of conviction for offenses punishable by this Law with a maximum sentence of more than 6 (six) years' imprisonment, a decree may be issued for the loss, as product or benefit of the crime, of assets corresponding to the difference between the value of the convicted party's assets and the value compatible with their lawful income. (Included by Law No. 13886, of 2019)

Paragraph 1. The order of forfeiture, as provided for in the head provision of this Article, is conditioned to the existence of evidentiary elements that indicate habitual, repeated, or professional criminal conduct of the convicted party or their connection to a criminal organization. (Included by Law No. 13886, of 2019)

Paragraph 2. For the purpose of the loss provided for in the head provision of this Article, the assets of the convicted person shall be understood as all assets: (Included by Law No. 13886, of 2019)

I - owned by them, or over which they have ownership and direct or indirect benefit, on the date of the criminal offense, or received afterwards; and (Included by Law No. 13886, of 2019)

II - transferred to third parties free of charge or for a derisory consideration, as from the start of the criminal activity. (Included by Law No. 13886, of 2019)

Paragraph 3. The convicted person may demonstrate the nonexistence of incompatibility or the licit origin of the assets. (Included by Law No. 13886, of 2019)

Article 64. The Federal Government, by means of the Senad, may sign an agreement with the States, the Federal District and organizations dedicated to drug abuse prevention, the treatment and social reintegration of users and addicts and working to control unauthorized production and the illegal trafficking of drugs, in order to free up the equipment and funds collected thereby in order to implement and execute the drug-related programs.

## **TITLE V**

### **INTERNATIONAL COOPERATION**

Article 65. In compliance with the principles of non-intervention in national affairs, of legal equality and respect for the territorial integrity of the States and the national laws and regulations in force, and following the spirit of the United Nations Treaties and other drug-related international legal documents to which Brazil is party, the Brazilian government shall cooperate, whenever requested, with other countries and international organizations and, whenever necessary, request cooperation in the areas of:

I - exchange of information concerning legislation, experiences, projects and programs aimed at activities of drug abuse prevention, treatment and social reintegration of drug users and addicts;

II - exchange of police intelligence on the production and trafficking of drugs and connected crimes, especially trafficking of weapons, money laundering and deviation of chemical precursors;

III - exchange of police and judicial information on manufacturers and traffickers of drugs and their chemical precursors.

## **TITLE V-A**

(Included by Law No. 13840, of 2019)

### **DRUG POLICY FUNDING**

Article 65-A. (VETOED) (Included by Law No. 13840, of 2019)

## **TITLE VI**

### **FINAL AND TEMPORARY PROVISIONS**

Article 66. For the purposes of the Sole Paragraph of Article 1 of this Law, until the terminology of the list mentioned in the rule is updated, drugs shall be understood as narcotic,

psychotropic, precursors and other substances under special control, of SVS/MS [Health Surveillance Department of the Ministry of Health] Directive No. 344, dated May 12, 1998.

Article 67. Release of the funds set forth in Law No. 7560, of December 19, 1986, in favor of the States and the Federal District, shall depend on their compliance with and respect to the basic guidelines established in the agreements signed and on the provision of data necessary to update the system defined in Article 17 of this Law, by respective law enforcement.

Article 67-A. The administrators and entities that receive public resources for the enforcement of drug policies must guarantee access to their facilities, to documentation, and to all the elements necessary for the effective inspection by the competent bodies. (Included by Law No. 13840, of 2019)

Article 68. The Federal Government, the States, the Federal District and the Municipalities may create tax incentives and others for natural persons and legal entities that collaborate with drug abuse prevention, treatment and social reintegration of drug users and addicts and with controlling unauthorized production and illegal trafficking of drugs.

Article 69. In the event of bankruptcy or extra-judicial liquidation of companies or hospitals, research, teaching or similar establishments, as well as healthcare services that produce, sell, purchase, consume, prescribe or supply drugs or any other in which these substances or products exist, the judge shall be responsible for presiding over the proceedings to:

I - order, immediately upon gaining knowledge of the bankruptcy or liquidation, the facilities sealed;

II - order the competent health authority to take urgent measures to receive and deposit the drugs collected;

III - notify the Prosecution Service, to follow the case.

Paragraph 1. The bidding for disposition of substances or products not mentioned in subitem II of the head provision of this Article may only allow participation of legal entities legally authorized in the area of healthcare and scientific research that prove the legal use of the product to be auctioned.

Paragraph 2. With the exception of what is set forth in Paragraph 3 of this Article, the

product not auctioned shall be, immediately after the auction, destroyed by the health authority in the presence of the State Drug Councils and the Prosecution Service.

Paragraph 3. Any pharmaceutical specialties among the products auctioned off and not sold, that can be used therapeutically, shall be kept in the custody of the Ministry of Health, which shall use them in the public health network.

Article 70. The prosecution and trial of the crimes set forth in Articles 33 to 37 of this Law, if characterized as an international crime, shall be under the jurisdiction of the Federal Courts.

Sole Paragraph. The crimes committed in the Municipalities with no federal courts shall be prosecuted and tried in the federal court of the respective district.

Article 71. (VETOED)

Article 72. Once the criminal action is terminated or the police investigation is filed, the judge, *sua sponte*, or by representation of the judicial police authority, or at the request of the Prosecution Service, shall order the destruction of the samples kept for counter evidence, certifying it in the records. (Wording by Law No. 13840, of 2019)

Article 73. The Federal Government may establish agreements with the States and the Federal District, aiming at the prevention and repression of illegal trafficking and misuse of drugs, and with the Municipalities, with the objective of preventing their misuse and to enable the attention and social reintegration of drug users and addicts. (Wording by Law No. 12.219, of 2010)

Article 74. This Law shall enter into effect 45 (forty-five) days after its publication.

Article 75. Law No. 6368, of October 21, 1976 and Law No. 10409, of January 11, 2002 are hereby revoked.

Brasilia, August 23, 2006; the 185th anniversary of the Independence and the 118th anniversary of the Republic.

LUIZ INÁCIO LULA DA SILVA  
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This text does not replace the one published in the Official Gazette of August 24, 2006.